

<b>STATE V. DEAL</b>
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**STATE OF NEW MEXICO,**  
**Plaintiff-Appellee,**  
**v.**  
**RAYMOND DEAL,**  
**Defendant-Appellant.**

NO. A-1-CA-36886

COURT OF APPEALS OF NEW MEXICO

November 26, 2018

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Daylene A. Marsh,  
District Judge

**COUNSEL**

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

Bennett J. Baur, Chief Public Defender, Santa Fe, NM, Steven James Forsberg,  
Assistant Appellate Defender, Albuquerque, NM, for Appellant

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: J. MILES HANISEE, Judge, STEPHEN G.  
FRENCH, Judge

**AUTHOR:** MICHAEL E. VIGIL

**MEMORANDUM OPINION**

**VIGIL, Judge.**

{1} Defendant Raymond Deal challenges the sufficiency of the evidence to support a judgment and sentence for driving while under the influence of intoxicating liquor, entered following a jury trial. [DS 3] Defendant's docketing statement asserted that the

trial evidence included testimony from the arresting officer, a BAC card showing .07, and a dash-cam video of Defendant performing field sobriety tests before his arrest. [DS 2-3] This Court issued a calendar notice proposing to affirm on the basis that, viewed in the light most favorable to the verdict, a rational trier of fact could have determined that Defendant was driving while impaired. [CN 3] Defendant has filed a memorandum in opposition to that proposed disposition.

**{2}** In that memorandum, Defendant continues his general assertion that the evidence was insufficient to support his conviction. We remain unpersuaded. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (explaining that the repetition of earlier arguments does not meet a party's burden to come forward and specifically point out errors of law or fact in a notice of proposed summary disposition, *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374)). Accordingly, for the reasons stated in this Court's notice of proposed disposition, we affirm Defendant's conviction.

**{3} IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**J. MILES HANISEE, Judge**

**STEPHEN G. FRENCH, Judge**